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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,017	04/26/2001	Shoji Suzuki	1081.1117	7053

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EXAMINER

NGUYEN, THOMAS T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,017

Applicant(s)

SUZUKI, SHOJI

Examiner

Thomas T. Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03-12, 2004 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2-7 and 9-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,8,15-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

FINAL OFFICE ACTION

Claims rejected under 35 U.S.C. 102

Claims 1,8,15-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. U.S Patent No. 6,337,712

As per claims 1,8,15,18,21: **Shiota** discloses a system and method of data processing service for a digital camera as follows:

connecting the digital camera **or** a memory of the digital camera to a service terminal at a shop (col. 4 lines 43-53, Figs. 1-2, claim 1);

inserting a storage medium (memory card/disk) of the digital camera into a disk drive at the shop (col. 2 lines 64-67, col. 3 lines 1-5, and col. 4 lines 50-53);

identifying a type of the digital camera by reading information pre-stored in the memory of the digital camera "*using the camera code to identify the digital camera used*" (col. 3 lines 43-44);

selecting a reading method corresponding to the identified type of the digital camera (col. 5 lines 11-28), and reading a photographed image (data ID) stored in the memory of the digital camera using the selected method , and "It is preferable to have a plurality of picture image data storing devices so that all kinds of digital cameras, regardless of their types or manufacturers, can be dealt with by this system" (col. 5 lines 11-13), "For example, the file name can be determined by a *type code and product No. code of a digital camera*" (col.6 lines 17-21);

Art Unit: 2174

preserving, at the service site the photographed image data in a storage medium accessible by the user "It further includes a variety of accessing devices for enabling the picture image data stored in the image server to be accessed" (abstract) .

A "system having storage and processing functions e.g. for data from digital camera - has devices for reading picture image data recorded by variety of digital cameras" (abstract); the present invention can store picture image data by using a method which is convenient and appropriate for the situation, regardless of the type of digital camera, ... It is preferable to have a plurality kinds of card readers according to the standard of memory cards such as PCMCIA or SSFDC ; and to have a plurality of picture image data storing devices so that all kinds of digital cameras, **regardless of their types or manufacturers**, can be dealt with by this system (col.5 lines 3-28) .

Independent claims 16-17,19-20, are similar in scope to the independent claim 1 or 15. Furthermore, **Shiota** inherently have means for "determining whether a transfer service is to be charged for the preserving the data" as outlined by the claims (col. 3 lines 50-55, and col. 4 lines 43-53) .

Art Unit: 2174

Response to Applicant Remarks

Applicant's arguments have been considered but are not deemed to be persuasive to put the case in condition for allowance. The examiner's response to Applicant's primary arguments as follows:

Applicant's argument (page 5 lines 21-24) is "Shiota is silent as to teaching or suggest, "identifying a type of said digital camera by reading information pre-stored in at least one of said memory of the digital camera and said digital camera; selecting a reading method corresponding to said identified type of said digital camera", as recited in independent claim 1". However, Shiota discloses "*using the camera code to identify the digital camera used*" (col. 3 lines 43-44), and "It is preferable to have a plurality of picture image data storing devices so that all kinds of digital cameras, regardless of their types or manufacturers, can be dealt with by this system" (col. 5 lines 11-13), "For example, the file name can be determined by a *type code and product No. code of a digital camera*" (col.6 lines 17-21). Thus, it clear that Shiota does disclose means to identify the type of the digital camera "so that all kinds of digital cameras, regardless of their types or manufacturers, can be dealt with by this system", including read, transfer, store, print picture image data accordingly (abstract, summary, Fig. 1).

Applicant's argument (page 6 lines 26-28) is "Shiota is silent as to teaching or suggesting, "**reading, at said shop**, a photographed image data stored in said memory of said digital camera" as recited in independent claim 1". On the other hand, as required by the ~~independent~~ ^{independent} claim 1, Shiota discloses "**reading, at the convenience stores, stations or the like**" (col. 4 lines 48-53), a photographed image data stored in said memory of said digital camera" (col. 4 lines 19-31).

Art Unit: 2174

Applicant's argument (page 5 lines 1-4) is "Nothing in Shiota teaches or suggest that the file name may be used to determine "whether a transfer service is to be charged," as recited in independent claim 16". However, Shiota discloses "digital cameras add the date of recording or the like to picture image data as recording property information, and store the picture image data together with the recording property information in built-in memories or memory cards. In this case, a file name may be determined automatically by reading such recording property information, without requesting a user to input the information" (col. 6 lines 8-17), and "FIG. 1 are all stored in one frame or unit, and placed at a station or a convenience store or the like as a coin-operated (or cash/credit card/debit card, etc.) machine shown in FIG. 2. In this manner, it becomes possible, for example, for a user to set his/her digital camera on a coin-operated machine installed in a station, and store the picture image data recorded thereby during his/her trip. Even in the case where the service is provided at a DPE in the conventional manner, 24-hour service becomes possible, since this service can be provided as an unmanned service" (col. 3 lines 50-55, and col. 4 lines 43-53, and col. 7 lines 43-53).

Thus, in view of the foregoing, it is respectfully submit that other independent claims, and related dependent claims are not allowable.

Conclusion

Accordingly, ***THIS ACTION IS MADE FINAL***. See MPEP 706.07(a). Any inquiry concerning this communication or earlier communications should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is (703) 308-7240 (Tuesday to Friday 09:00 - 7:30 ET) or *Kristine Kjincaid*

Supervisory Patent Examiner (703) 308-0640. Other inquiry of a general nature or relating

Art Unit: 2174

to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900 and Official-Fax number (703) 828-9306. Please label properly on the cover page of facsimile communications.

Thomas T. Nguyen

June 01, 2004

Kristine Kincaid
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